

Staff Summary Report



Hearing Officer Hearing Date: June 5, 2007

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **TOBACCO WORLD (PL070195)** located at 6460 South Rural Road for one (1) use permit.

DOCUMENT NAME: 20070605dssa02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **MARCOS DE NIZA PLAZA - TOBACCO WORLD LLC (PL070195)** (Eddie Sharaf, applicant; Michael Pollock/property owner) located at 6460 South Rural Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP07057 Use permit for a tobacco retailer.

PREPARED BY: Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359)

REVIEWED BY: N/A

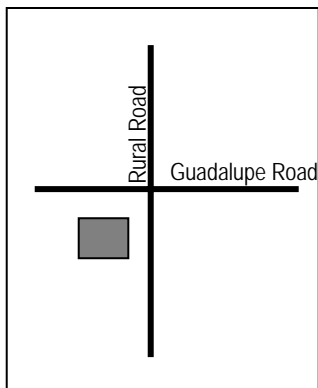
FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989) 

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 – 6).

ADDITIONAL INFO: The applicant is before the Hearing Officer to request approval of a use permit to allow a tobacco retail store. The business will involve the sale of cigars; domestic and imported cigarettes, gift items and other tobacco-related products. The proposed shop will be located within a shopping center at the southwest corner of Guadalupe and Rural Roads in the PCC-1, Planned Commercial Center Neighborhood District. There has been no public input to date. Staff recommends approval of the request as submitted.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Use Permit; Conclusion; Reason(s) for Approval
 3. Conditions of Approval; History; Facts/Description;
Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo
 - C. Letter of Intent
 - D. Site Plan
 - E. Floor Plan
 - F. Staff Photographs

COMMENTS:

The applicant is before the Hearing Officer to request approval of a use permit to allow a tobacco retail store. The business will involve the sale of cigars; domestic and imported cigarettes, gift items and other tobacco-related products. The proposed store will be located within the Marcos De Niza Plaza at 6460 South Rural Road, at the southwest corner of the intersections of Rural and Guadalupe Roads in the PCC-1, Planned Commercial Center Neighborhood District. The subject suite is located along the eastern side of the center, south of a long-established restaurant. The balance of the shopping center is a mix of retail, restaurants and services. To the south and west, the shopping center is adjacent to the R-2, Multi-Family Residential Zoning District. Additional PCC-1, Commercial Shopping and Services District zoning exist across both Guadalupe and Rural Roads to the north and east.

The proposed hours of operation will be Monday through Saturday from 8:00 a.m. until 8:00 p.m. and Sunday from 9:00 a.m. to 6:00 p.m.. The shop will employ four (4) workers and serve between 60 and 75 patrons daily.

To date, staff has received no public input concerning this request.

Use Permit

The Zoning and Development Code requires a Tobacco Retailer to obtain a use permit in the PCC-1, Planned Commercial Center Neighborhood District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a retail use, similar to others within the shopping center; there should be no nuisances.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the request for the use permit subject to the attached conditions of approval.

REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. The applicant shall devise a security plan in conjunction with the Police Department officials (contact Officer William Vanek (480) 858-6342 prior to the use permit becoming effective.
6. All business signs shall be Development Review staff approved and permits obtained.

HISTORY & FACTS:

None pertinent to this request.

DESCRIPTION:

Applicant – Eddie Sharaf
Owner – Michael Pollock
Existing zoning – PCC-1, Planned Commercial Center Neighborhood District

Total site area – 306,706 s.f. / 7.04 acres
Total building area – 66,500 s.f.
Proposed tenant lease space – 1,000 s.f.
Parking required for proposed tenant – 4 spaces
Total required parking for site – 320 spaces
Total site parking provided – 388 spaces

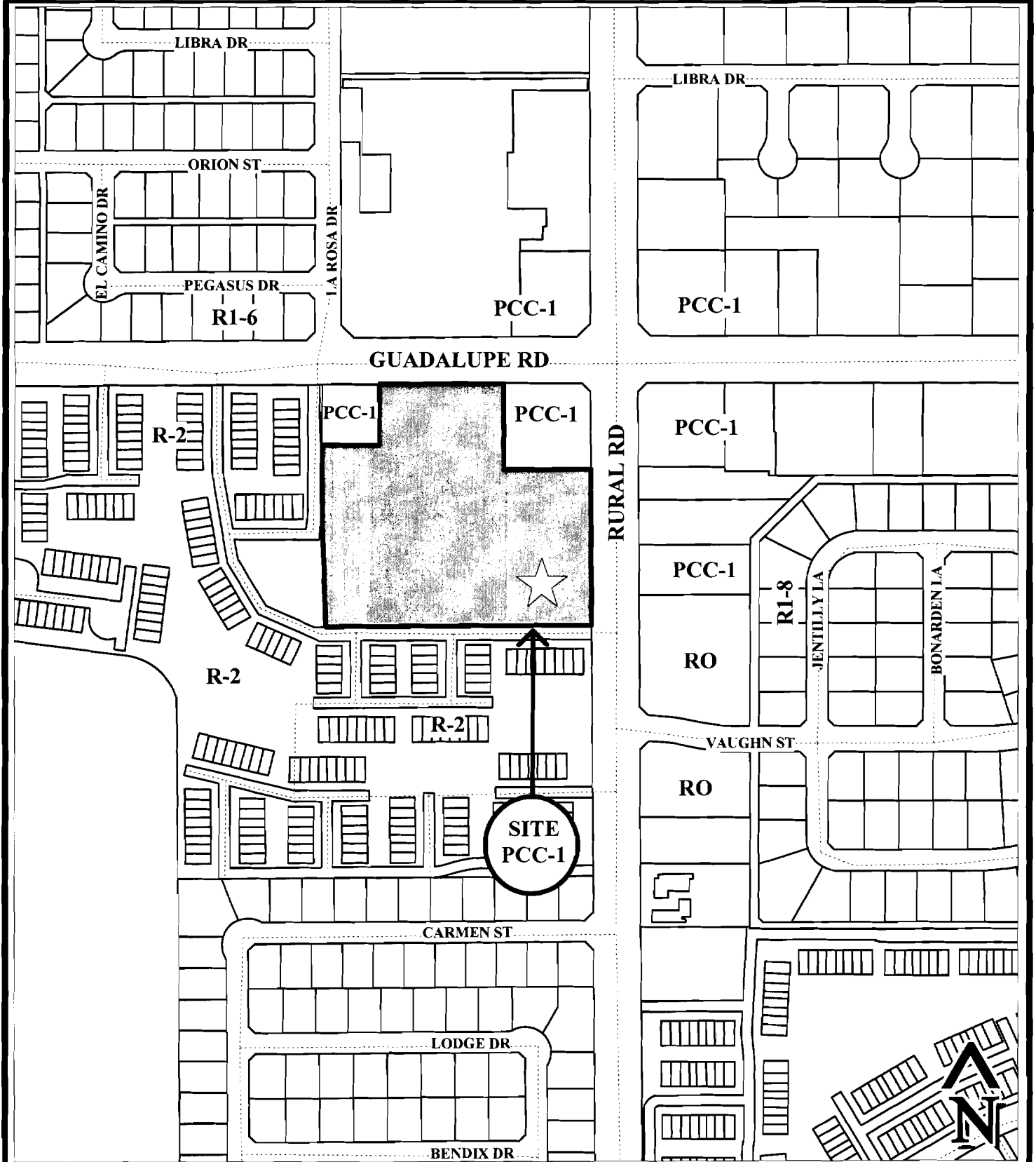
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 2, Section 3-202
Permitted Uses in Commercial and Mixed-Use Districts – Table 3-202A – Tobacco retailer in PCC-1, Planned Commercial Center Neighborhood District requires a use permit;

Part 6, Chapter 3, Section 6-308
Use Permit.

TOBACCO WORLD LLC

PL070195





MARCOS DE NIZA PLAZA - TOBACCO WORLD LLC (PL070195)

Tobacco World LLC.
835 W. Warner rd. #101
Gilbert AZ 85233

City of Tempe
Planning & Development
31 East Fifth Street
Tempe AZ 85280

April 28, 2007

Re: 6460 S. Rural Rd.
Marcos de Niza plaza
Tempe AZ 85283

Dear Sirs:

We have entered into an agreement to lease the above property and intend to start a new location of Tobacco World LLC. Retailing a high end of imported premium Cigars & imported cigarettes include some domestic cigarettes & fancy gift items Tobacco World LLC. Will not be carrying & selling any product or accessories that is not related to tobacco such as glass pips hookahs or adult magazines & videos, No smoking Lounge in the facility.

Hrs: of operation M-S 8.00 to 8.00
Sun 9.00 to 6.00

of employees will be 4
We anticipate a total of 60 to 75 patrons a day

We thank you for your response and look forward to working with you

Sincerely,


Eddie Sharaf
510- 821 5358

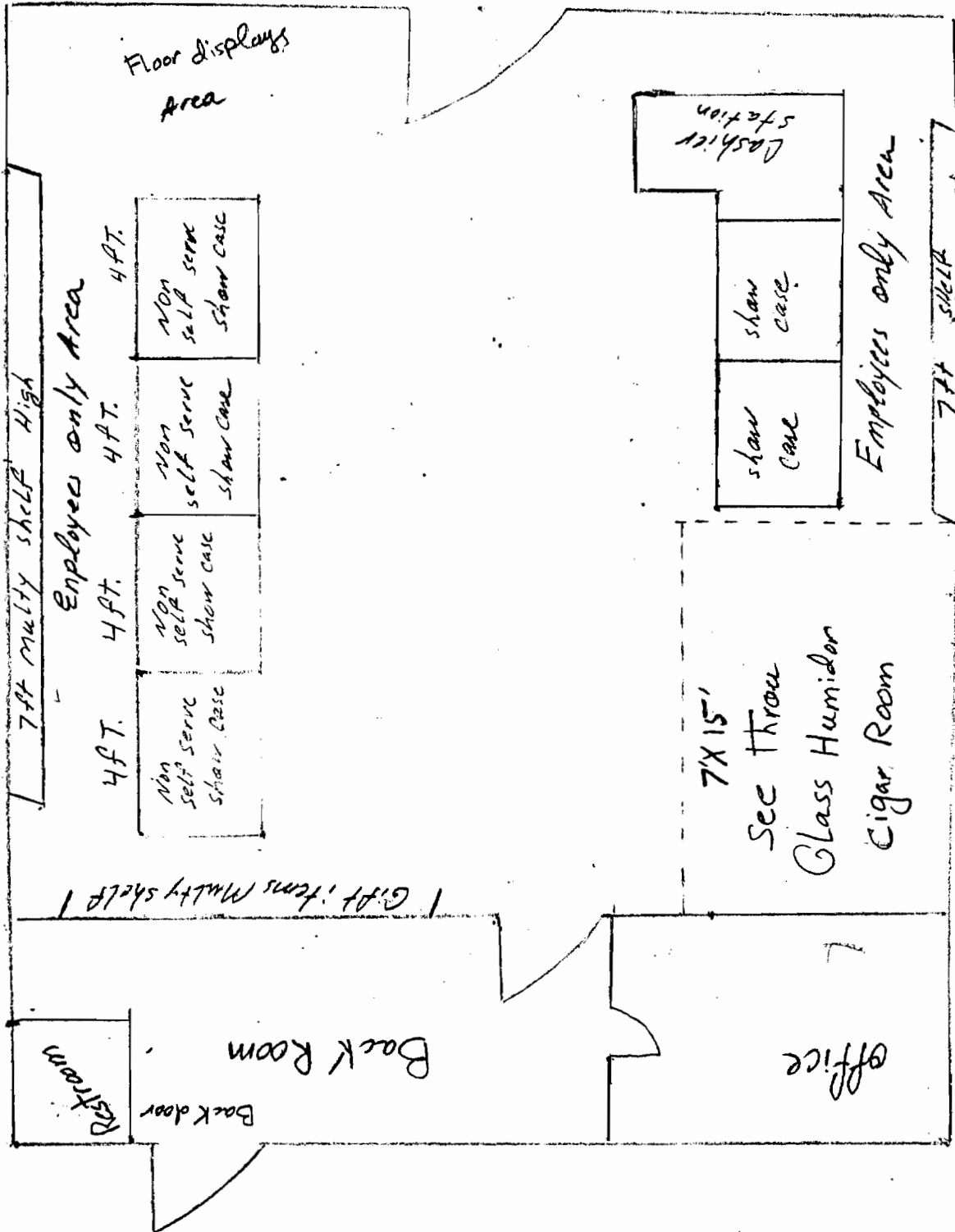
Tobacco world llc.
Is an equal opportunity employer & Save & serves adult professional smokers

6460 S. Rural Rd

Store front

Entrance

Store front





TOBACCO WORLD

6460 S RURAL RD

PL070195

FRONT OF BUSINESS: VIEW TO WEST